REMARKS

The Final Office Action, mailed September 14, 2005, considered claims 1-23. Claims 1-4, 6-9, 13-16, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturniolo et al. (U.S. Patent No. 6,154,461) in view of Eng et al. (U.S. Patent No. 5,958,018) and Honkasalo (U.S. Publication No. 6,094,426). Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sturniolo in view of Eng and Haddock, in further view of Koyama (U.S. Patent No. 5,654,957). Claims 5 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sturniolo in view of Eng and Haddock, in further view of Lahtinen (U.S. Patent No. 5,351,235). [1] Claims 10 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims.

By this paper, claims 1, 13 and 23 have been amended and new claim 24 has been added, such that claims 1-24 remain pending, of which claims 1, 11-13 and 23 are the only independent claims at issue. The amendments made by this paper do not add any new subject matter to the application. Support for the amendments is found in the disclosure of the specification, including, but not limited to the disclosure found in paragraphs 1, 16 and 42-45.

The present invention is generally directed to embodiments for enabling a wireless mobile communication station to control when pushed packet data from an originator is received by the wireless mobile communication station. As such, the claimed embodiments overcome many of the problems described in the prior art with regard to existing systems that have proven inadequate for enabling a wireless device to, itself, restrict and control when pushed data is received from an originator attempting to push data to the wireless device. Existing systems are problematic, as described in the background section of the application, because pushed data that is received by a wireless device can result in charges and other undesired consequences, despite the fact that the wireless device may not want the pushed data. (See the entire background and

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[1] Although the prior art status and some of the assertions made with regard to the cited art (such as Lahtinen and Koyama) is not being challenged at this time, inasmuch as it is not necessary following the amendments and remarks made herein, which distinguish the claims from the art of record, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

summary section, including paragraphs 11 and 12). The embodiments of the present invention overcome this problem by enabling the wireless device a way to control what packet data sessions are established based upon the identity of the originator and such that pushed packet data is only received from one or more predefined originators.

Claim 1, for example, recites a method for enabling a wireless mobile communication station to control when pushed packet data from an originator, as recited from the perspective of the wireless station. As recited, the wireless station receives a network address of an originator of packet data that is attempting to push the packet data to the mobile communication station. The station then determines if the received network address matches a predefined network address of the originator that is included in a set of one or more predefined network addresses stored by the wireless station. If the network address is found to match one or more of the predefined network addresses stored by the wireless station, then the identity of the originator is verified at the wireless station. Next, and only if the identity of the originator is verified as authentic, the wireless station establishes a packet data session with the originator.

Claims 11 and 12 are directed to corresponding computer program products and devices configured for implementing the method recited in claim 1.

Claims 13 and 23 are directed to similar embodiments recited from the overall system perspective, including elements corresponding to both the wireless mobile communication station and the originator.

In the last action, the claims were rejected in view of a combination of references, including Sturniolo, Eng and Handasalo. Applicants respectfully submit, however, that these references, alone or in combination fail to disclose or suggest the claimed invention. In fact, these references fail to discuss or even suggest the problem solved by the present invention, in which data is undesirably pushed to a wireless device. Instead, and to the contrary, these references are directed to facilitating the receipt of data. In other words, rather than providing controls for limiting and restricting the data packet sessions that are established between an originator and a wireless device (as generally claimed), the cited art is directed to embodiments that facilitate the manner in which data packet sessions are created and maintained.

Sturniolo and Eng, for example, are both directly related to embodiments for facilitating and maintaining an established connection between mobile devices, after a connection has already been established, and without being disrupted by the transition, migration and

registration with new and different access points. (Sturniolo: Abstract, Col. 3, ll. 60-65, Col. 5, ll. 59-63, Col. 6, ll. 10-14) (Eng: Abstract, Col. 2, ll. 63-67).

Indeed, contrary to the present invention, wherein the mobile device must determine whether it wishes to establish a connection and to receive data pushed from an originator, Sturniolo appears to simply presume that the mobile device wishes to communicate with the originators (devices), irrespective of the originator/device addresses. (Col. 2, ll. 64-67; Col. 3, ll. 26-28; Col. 5, ll. 46-50; Col. 6, ll. 55-57, 65-67; Col. 7, ll. 40-43; and so forth). Eng also suggests that connections are presumptively made. (Col. 4, ll. 23; Col. 2, ll. 55-67)

The Examiner also acknowledges that Sturniolo fails to disclose a verification step as required. To compensate for the inadequacies of Sturniolo in this regard, the Examiner has relied on Eng as disclosing a check as to whether an origination MAC address is registered. Applicants respectfully submit, however, that even if this were true, the combination of purported teachings of Sturniolo and Eng still fail to disclose or suggest the claimed invention or even the claimed element of verifying. In particular, irrespective of whether Eng's AP servers check to see if a mobile devices message is associated with the AP, Eng and Sturniolo fail in combination to teach or suggest that an identity of an originator is verified at a wireless mobile device after determining that the originator's address is included in one or more predefined addresses at the wireless device.

To clarify the foregoing distinction even more, the claims have been amended to clarify that the wireless device first determines whether the originator's address is included in a predefined set, then if the address is included, the wireless device proceeds to verify the address. With regard to these elements, the Examiner's arguments would be more relevant to an assertion that Eng determines whether an address is found in a predetermined set, such as in Eng's registration tables (col. 4, ll. 29-32). There is nothing in Eng that would disclose or suggest, however, that only if the originator's address is found that the identity of the originator is then verified. Instead, Eng merely responds to a determination that a mobile devices address is in a registration table by remapping and/or rerouting the message of the mobile device. (Col. 4, ln. 60 to Col. 5, ln. 49).

Eng and Sturniolo also fail to disclose or suggest that the packet data session between the mobile device and the originator is only established after verifying the originator, as claimed. In fact, the rejection does not even assert that this element is taught or suggested. Instead, it is

merely asserted that Sturniolo discloses that a mobile terminal establishes a session with a Gateway. In this regard, it will be noted that the Gateway in Sturniolo does not appear to be analogous to an originator attempting to push data to the wireless device. Sturniolo also fails to disclose or suggest that a session is only established with the Gateway after the mobile terminal verifies the Gateway.

The element requiring verification should not be overlooked by the Examiner. In fact, as described in the specification (see at least paragraph 20), verification can be helpful to prevent spoofing of a valid originator's address.

Newly cited Honkasalo also fails to compensate for the aforementioned inadequacies of Eng and Sturniolo. In fact, Honkasalo was only cited for the proposition that a **mobile** wireless device can perform the functions related to verifying and establishing. Applicants respectfully submit, however, that even if this is true, that Honkasalo, even in combination with the other cited art fails to disclose or suggest the recited elements for determining, verifying and establishing in the manner recited by the claims. In fact, Honkasalo, like Eng and Sturniolo, also fails to even relate to the problem or solution of the present invention. For example, instead of addressing the problem/solution corresponding to data being pushed to a client device and for enabling a client device to selectively control the sessions established with data originators, Honkasalo is directed to completely different embodiments in which a base station preemptively controls mobile station access to traffic channels in order to maximize the efficiency of packet data transmissions. (Abstract).

With regard to the foregoing references, which were the only references used to reject the independent claims, Applicants also respectfully submit that there would be no motivation to one of ordinary skill in the art, at the time of the invention, for combining the cited references. For example, much of the cited disclosure provided in Eng and Honkasalo corresponds directly to server functionality, and much of the cited disclosure provided in Sturniolo corresponds directly to the functionality and activity of a mobile device, such that it would not make sense to modify the device in Sturniolo to incorporate entirely different functionality corresponding to a server, as generally disclosed in Eng and Honkasalo. In other words, there does not appear to be any motivation for modifying a wireless mobile device to operate as a server or access point.

With regard to this lack of motivation, Applicants also remind the Examiner that "a statement that modifications of the prior art to meet the claimed invention would have been

"'well within the ordinary skill of the art at the time the claimed invention was made'" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references." MPEP 2143.01. Furthermore, Applicants also point out that the motivation for making such a combination must come from the art itself; otherwise, such a combination represents impermissible hindsight. In particular, as stated by the MPEP § 2143, "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in application's disclosure." MPEP 2143.

The Examiner does assert that a motivation would be present to combine the cited art. However, the asserted motivation appears questionable. For example, it is asserted that "a person of ordinary skill in the art would have been motivated to employ Eng et al in Sturniolo et al to identify, a subset of mobile terminals such as those that are being served by an associated access processor (Eng column 4, lines 29-32)." However, Eng's table that tracks wireless mobiles being served by the associated AP has little or nothing to do with a motivation for the claimed element of 'determining' and 'verifying' at the wireless mobile communication station whether or not an originator's address is found in a predetermined set and whether the identity of the originator is verified, as claimed. In particular, Eng's table for a server or AP to tracking which mobile devices are serviced by the AP does not provide any motivation for a mobile device to determine whether or not an originator's address is in a predetermined set and whether the identity of the originator is verified (the general element (verifying) in question, for which Eng was being relied upon). Accordingly, it appears the combination of art relies upon an improper hindsight reconstruction in view of the Applicants' invention.

Although the forgoing remarks have focused primarily on the independent claims, it will be appreciated that, for at least the foregoing reasons, all of the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. However, in this regard, it should also be appreciated that Applicants do not necessarily acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions at any appropriate time in the future, should the need arise, including any official notice.

Although it is not necessary to address the dependent claims or their corresponding rejections, Applicants will address some of these rejections. For example, with regard to at least Claims 3 and 15, it appears that the Examiner is asserting that address translation tables, such as that disclosed by Eng, anticipate the address translation servers claimed in the present application. In this regard, Applicants strongly disagree. In particular, the address registration tables disclosed in Eng appear to be tables local to the servers or AP (Access Points) using the tables. Furthermore, Eng's registration tables are only used to "identify the wireless mobiles (MAC address) that are being served by the associated AP," which is quite different than the claimed address translation servers. (See paragraph 20, for example, and the rest of the disclosure in the specification describing address translation servers).

Applicants also note that many of the rejections rely on assertions regarding Sturniolo, wherein it is unclear to the Applicants what the Examiner considers to be analogous to the originator. In particular, it is unclear whether the examiner is considering the devices or the Gateway to be the originator. In this regard, Applicants respectfully request clarification if the same grounds or other grounds of rejection are used that rely on Sturniolo. Similarly, it is unclear what the Examiner is suggesting to be analogous to the originator in Eng. Clarification is respectfully requested so that Applicants will have a fair opportunity to respond.
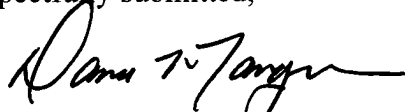
Finally, new dependent claim 24 has been added to clarify the embodiment in which the wireless station is pre-configured to only accept pushed packet data transmission from one or more originators in possession of certain predefined network addresses. This claim is clearly supported by the disclosure found in paragraph 17 and does not add any new material to the application. This claimed embodiment is also clearly not anticipated by nor made obvious by the cited art of record, alone or in combination.

The other dependent claims and rejections thereto will not be further addressed at this time. It will be appreciated, however, that each of the pending claims 1-24 should be distinguished from the art of record for at least the foregoing reasons.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23rd day of February 2006.

Respectfully submitted,

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